

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

SHARON L. MARTIN BRAGG,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-00106

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER


By *Standing Order* [Docket 4] entered on February 9, 2009, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 26, 2010, the Magistrate Judge submitted *Proposed Findings and Recommendation* [Docket 15] wherein it is recommended that this Court deny the Plaintiff's motion for judgment on the pleadings, grant the Defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this action from the Court's docket. Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's motion for judgment on the pleadings [Docket 12] be **DENIED** and that the Defendant's motion for judgment on the pleadings [Docket 13] be **GRANTED**. The Court further

ORDERS that the final decision of the Commissioner be **AFFIRMED** and that this action be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: March 16, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA